

R277-114 WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION ON FIRST AND SECOND READING ON JANUARY 7, 2010. THE NEW RULE IS SCHEDULED FOR FINAL APPROVAL BY THE BOARD ON FEBRUARY 5, 2010.

**R277. Education, Administration.**

**R277-114. Corrective Action and Withdrawal or Reduction of Program Funds.**

**R277-114-1. Definitions.**

- A. "Board" means the Utah State Board of Education.
- B. "Program" for purposes of the rule means a public education project or plan under the direction of the Board, with a specific goal or outcome for which public education funding is provided.
- C. "Recipient" means a school district or school district program, charter school or charter school program, contractor, or any other entity that receives program funding as defined in this rule.
- D. "State Superintendent" means the State Superintendent of Public Instruction as defined under Section 53A-1-301.
- E. "USOE" means the Utah State Office of Education.

**R277-114-2. Authority and Purpose.**

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.
- B. The purpose of the rule is to provide procedures for public education program monitoring and corrective action for noncompliance with identified program requirements, program accountability standards, and financial propriety.

**R277-114-3. USOE Responsibilities.**

- A. USOE Directors, coordinators and program specialists shall act as designees of the State Superintendent and shall review compliance with program outcomes and financial propriety.
- B. Designated program reviewers shall act and carry out responsibilities consistent with federal requirements, state law and administrative rules.
- C. The following minimum procedures shall be followed prior to reducing or withholding funds from a recipient:
  - (1) The USOE, with assistance from directors, coordinators and program specialists, shall draft and implement a consistent monitoring procedure that includes standards for both recipient program outcomes and financial compliance. This monitoring program shall be communicated to the recipient regularly, and proper documentation of monitoring and compliance procedures conducted by USOE staff shall be maintained at the USOE.
  - (2) Recipients that do not demonstrate satisfactory outcomes, demonstrate noncompliance with program requirements or allowable program expenditures, or those that do not comply with requests to

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provide accurate and complete program or financial information enabling determination of compliance may be placed on corrective action.

(3) All courses of action should be discussed with the USOE deputy/associate superintendent who supervises the program, prior to placing recipients on a corrective action plan as follows:

(a) Corrective action plans shall clearly outline all areas of noncompliance and establish a reasonable time frame for the recipient to correct identified issues.

(b) Notification and a copy of the corrective action plan shall be communicated in writing to a program administrator as well as the superintendent/CEO and business administrator of the school district or school district program, charter school or charter school program, contractor, other recipient in question, the USOE deputy/associate superintendent over the program, the USOE internal auditor, and the State Superintendent.

(4) Directors, coordinators and program specialists shall follow up with the recipient to clarify questions and assist the recipient in establishing appropriate corrective measures to further compliance.

(5) If a recipient does not respond or does not satisfy the requirements of the corrective action plan by established deadline(s), the program director, coordinator, or supervisor shall notify the Internal Auditor, who will notify the State Superintendent.

(6) Verification of noncompliance and contact with the recipient to discuss and investigate the issues addressed in the corrective action plan shall be left to the discretion of the State Superintendent, Board Audit Committee and Internal Auditor.

(7) The Board shall determine if and at what level funding for programs may be withheld or terminated by the State Superintendent and when the Board should withhold or terminate a program or validate the State Superintendent's recommendation for withholding or termination of funding.

**KEY: programs, noncompliance, correction action**

**Date of Enactment or Last Substantive Amendment: 2010**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)**